THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1205 of 2005

21-10-2005

Between:

Yudhveer Lodha.

.....APPELLANT

AND

Government of Andhra Pradesh, rep. by its Principal Secretary,

Backward Class Welfare Department & Others.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1205 of 2005

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties.

By an order dated 16.12.2003, the Caste Certificate issued in favour of writ petitioner was cancelled by the District Collector. An appeal was filed against this order before the Government, which is pending. Government has also stayed this order on 19.10.2004. As a consequence to the order dated 16.12.2003, the Commissioner of Technical Education & Convenor, EAMCET, passed an order on 26.05.2004, requesting the Principal to cancel the admission of the writ petitioner on the strength of the order dated 16.12.2003. The petitioner filed the writ petition challenging the order, but the learned single Judge found that since the order dated 26.05.2004 was in force, therefore, no relief could be granted to the petitioner. But we feel that the order dated 26.05.2004 passed by the Convenor, EAMCET, is a consequential order to order dated 16.12.2003, passed by the Collector, against which an appeal is pending before the Government and which had been stayed by the Government.

In this view of the matter, the writ appeal is allowed and order dated 26.05.2004 passed by the Convenor of EAMCET, is quashed. However, the admission of the petitioner in the College of Engineering shall remain subject to outcome of the appeal before the Government. During the pendency of the appeal, the petitioner's results shall be declared and he shall also be allowed to sit in the next examination and pursue his studies, subject to satisfaction of other Rules. No order as to costs.

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(BILAL NAZKI, ACJ)

21st October 2005.

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(R.SUBHASH REDDY, J)

ajr